

REMARKS

Claims 1-2, 5-16, 18-25, and 27-28 are in the case and presented for consideration.

Thorough examination and allowance of claims 5, 7, 14, 18, 20, and 26 is appreciated.

Initially, Applicants note that an inadvertent error was made in the amendment to the specification dated January 29, 2007. The paragraph beginning at page 3, line 8 was erroneously presented **twice** with amendments at the following two separate locations in the response/amendment:

(1) last paragraph on page 4 of the response/amendment

(2) last paragraph on page 5 of the response/amendment

The two separate amendments concerning the same paragraph of the specification were inconsistent. The undersigned intended the amendment beginning at the last paragraph on page 5 to be the correct amendment to the specification.

The undersigned noticed the error and contacted Examiner Ramon Barrera after the filing of the amendment. The Examiner indicated that a Notice of Non-Compliance would be issued and the undersigned would have an opportunity to make the necessary amendment correctly. A Notice of non-compliance was never issued. Accordingly, the Applicants have herein resubmitted the correct and intended amendment to the paragraph beginning at page 3, line 8. Applicants respectfully request that this amendment be entered and that the Examiner confirm

such entry and/or clarify whether any further correction or submission is required.

Turning to the rejection of the claims, claims 1, 2, 8-13, 17, 19, and 21-25 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,598,908 to York et al.

MPEP 2131 states:

"A claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The **identical invention** must be shown in as **complete detail** as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The Office indicates in the present Office Action that "it is the examiner's contention that York's shaft has a rightmost user interface portion (wall of socket 58) that can be described as a rounded protuberance". In the Advisory Action dated March 7, 2007, the Office indicated that "a knob is defined in Merriam Webster's Collegiate Dictionary (10th ed) as a rounded protuberance)". Hence, it is Applicants understanding that the Office specifically construes "wall of socket 58" as a rounded protuberance or knob, and deems the "wall of socket 58" to cover the claimed rotary knob.

The limitations of claim 17 have been incorporated into claim 1. Claim 1 now recites *inter alia* "the rotary knob covers at least a portion of said stationary part of said magnetic circuit". Under the Office's own claim construction, the Office must show that the wall of socket 58 in York '908 covers at least a portion of a

stationary part of a magnetic circuit (which is construed by the Office as elements 18, 18'). York '908 does not teach or suggest that wall of socket 58 covers elements 18, 18' or any other element. Accordingly, claim 1, and all claims depending therefrom are patentable.

In the present Office Action, the Office addresses former claim 17 (now incorporated into claim 1), indicating that "rotary knob (via 34) covers at least a portion of said stationary part of said magnetic circuit". Applicant's respectfully disagree with the Office's rationale for the following reasons.

Element 34 is defined in York '908 as a "T-shaped plate portion" which is not a part of a knob. A knob is a rounded protuberance according to the Office and a "T-shaped plate portion" cannot be considered to be a part of a rounded protuberance. Although the T-shaped plate portion 34 and wall of socket 58 are connected, the T-shaped plate portion cannot be construed as any part of the wall of socket 58. Since the T-shaped plate portion 34 cannot be construed as at least a part of a knob and therefore must be construed as a completely separate element, it cannot be construed as a rotary knob that covers at least a portion of the stationary part of the magnetic circuit, as claimed in claim 1. Notably, the "T-shaped plate portion" is identified as a completely separate element by a separate reference number 34 in York '908.

Applicants anticipate that the Office may consider the "extension" of the socket 58 to the T-shaped plate portion 34 to be the "broadest reasonable interpretation" of the claims. However, by extending beyond the wall of socket 58,

the Office would be extending beyond what is in the claims. Claim 1 only calls for a rotary knob. Any extension beyond a knob that is not part of a knob cannot be broadly and reasonably construed as a knob, or a rotary knob as claimed.

The Office has indicated dependent claim 26 to be allowable. Accordingly, claim 26 has been incorporated into independent claim 22. Thus, an indication of allowance of claim 22, and all claims depending therefrom, is respectfully requested.

New independent claim 27 recites *inter alia* "a control element having... support means normal to said rotary knob". York '908 does not disclose a support means that is normal to (or perpendicular to) a rotary knob. Rather, according to the Office, the wall of socket 58, which is deemed to be a knob, is just an extension of the shaft 32 in the same direction. Accordingly, claim 27 is believed to be patentable and an indication of allowance of claim 27 (and claim 28 depending therefrom) is respectfully requested.

Claim 6 has been rejected as obvious from York '908. Claim 6 depends from claim 1 and is patentable for at least the same reasons as claim 1.

Applicants further submit that the Office has not established a *prima facie* case of anticipation with respect to claim 12. The Office has not identified at least one element of claim 12 in the cited reference. In particular, claim 12 recites *inter alia*, "the control element is configured to control a graphical user interface." The

Office states that "the control element is configured to control a graphical user interface 68 (by supplying data visible on the interface)." The Office's rationale is not understood and detailed clarification is respectfully requested. In the meantime, the Applicants maintain all arguments previously made in connection with claim 12.

Applicants respectfully remind the Office that it is the duty of the Examiner to specifically point out each and every limitation of a claim begin rejected as per §1.104(c)(2) of Title 37 of the Code of Federal Regulations and section 707 of the M.P.E.P., which explicitly state that "the particular part relied on must be designated" and "the pertinence of each reference, if not apparent, must be clearly explained and each rejected claim specified." The Office is requested to identify every feature(s) of the cited reference deemed to teach or suggest the claimed elements and limitations, and the columns and lines that such elements and limitations are found. A specific feature should be identified for each and every claimed element and limitation.

The goal of examination is to clearly articulate any rejection early in the prosecution process so that the applicant has the opportunity to provide evidence of patentability and otherwise reply completely at the earliest opportunity. (See MPEP §706). The Office has not clearly explained what features of the cited reference are deemed to correspond to the claimed elements and limitations.

Accordingly, the application and claims are believed to be in condition for allowance, and favorable action is respectfully requested. No new matter has been

added.

If any issues remain which may be resolved by telephonic communication, the Examiner is respectfully invited to contact the undersigned at the number below, if such will advance the application to allowance.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) to Account No. 14-1270.

Respectfully submitted,

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